



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,171	05/06/2004	Oliver Birch	CHA920030032US1	7523
7590 McGinn & Gibb, PLLC Suite 304 2568-A Riva Road Annapolis, MD 21401				
04/02/2008				
EXAMINER				
NGUYEN, KHAI N				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
04/02/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/840,171

**Applicant(s)**

BIRCH, OLIVER

**Examiner**

KHAI N. NGUYEN

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CIS-100)
- Paper No(s)/Mail Date May 6, 2004
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on May 6, 2004 was filed on the filing date of the instant application on May 6, 2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### *Drawings*

2. The drawings are objected to because Figure 1 and Figure 2 named the link "Artificial Intelligence Network" which is not defined in this instant application's specification. In this instant application's specification, the link was referred to as "AIN (Advanced Intelligent Network)" and recited in the claims 5 and 12 (See instant application specification page 4 paragraph [0015], and claims 5 and 12). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by  
Crockett et al. (U.S. Patent Number 7,336,771 hereinafter "Crockett").

Regarding claim 1, Crockett teaches a system for providing a voice dialogue in a telephone network (Fig. 1), said system comprising:

a switching point (SSP) connected to a communication device (Fig. 1, 20 Outside Party Phone, 21 SSP, 24 SSP, 25 Subscriber Phone, col. 6 lines 45-50);

a service control point (SCP) connected to said switching point (Fig. 1, 21 SSP, 23 SCP, 24 SSP, col. 7 lines 18-22);

a voice extensible markup language browser (Fig. 1, 40 VXML Platform, 42 VXML Interpreter) connected to said switching point (Fig. 1, 21, 24, 40, 42, col. 7 lines 57-60); and

a converter (Fig. 1, 40 VXML Platform [42 VXML Interpreter, 44 Speech Recognition, etc.,]) connected to said service control point (Fig. 1, 23) and said voice extensible markup language (Fig. 1, 40) browser (Fig. 1, col. 7 lines 57-67 through col. 8 lines 1-5),

wherein said converter (Fig. 1, 40) communicates with said service control point (Fig. 1, 23) using a call control protocol, and wherein said converter is adapted to convert said call control protocol to a voice extensible markup language (Fig. 1, col. 6 lines 22-27, i.e., call control protocol SR-3511 is originally known as SR-2911, and col. 8 lines 44-57).

Regarding claims 2, 9, 16, and 23, Crockett teaches the system and the method, wherein said converter comprises a Hypertext Transfer Protocol (HTTP) server (Fig. 1, 40, 45 Text-to-Speech Engine, 47 VXML Document/Application Server, col. 10 lines 11-17).

Regarding claims 3, 10, 17, and 24, Crockett teaches the system and the method, wherein said converter comprises an Advanced Intelligent Network (AIN) Session Coordinator (Fig. 1, col. 4 lines 24-32).

Regarding claims 4, 11, 18, and 25, Crockett teaches the system and the method, wherein said converter comprises a Call Control Protocol to Voice Extensible Markup Language (XML) Converter (Fig. 1, 40, 42, col. 4 lines 10-23).

Regarding claims 5 and 12, Crockett teaches the system, wherein said service control point (Fig. 1, 23 SCP) is connected to said switching point (Fig. 1, 21 SSP, 24 SSP) over an advanced intelligent network (AIN) (Fig. 1, col. 6 lines 34-50).

Regarding claims 6 and 13, Crockett teaches the system 6, wherein said voice markup language (VXML) browser comprises an intelligent peripheral (Fig. 1, 40, col. 11 lines 25-31).

Regarding claims 7, 14, 21, and 28, Crockett teaches the system and the method, wherein said call control protocol is not publicly available and said voice extensible markup language is publicly available (Fig. 1, Figs. 6-7, col. 24 lines 10-23).

Regarding claim 8, Crockett teaches a system for providing a voice dialogue in a telephone network (Fig. 1), said system comprising:

a switching point (SSP) connected to a communication device (Fig. 1, 20 Outside Party Phone, 21 SSP, 24 SSP, 25 Subscriber Phone, col. 6 lines 45-50);

a service control point (SCP) connected to said switching point (Fig. 1, 21 SSP, 23 SCP, 24 SSP, col. 7 lines 18-22); and

a voice processor (Fig. 1, 40 VXML Platform) connected to said service control point (Fig. 1, 23 SCP) and to said switching point (Fig. 1, 21, 24) (Fig. 1, col. 7 lines 57-60),

wherein said voice processor (Fig. 1, 40) communicates with said service control point (Fig. 1, 23) using a call control protocol (Fig. 1, col. 6 lines 22-27, i.e., call control protocol SR-3511 is originally known as SR-2911),

wherein said voice processor (Fig. 1, 40) comprises:

a voice extensible markup language (Fig. 1, 42) browser connected to said switching point; and a converter (Fig. 1, 40) connected to said service control point (Fig. 1, 23) and said voice markup language browser (Fig. 1, 42), wherein said converter is adapted to convert said call control protocol to a voice extensible markup language (Fig. 1, col. 6 lines 22-27, i.e., call control protocol SR-3511 is originally known as SR-2911, and col. 8 lines 44-57) .

Regarding claim 15, Crockett teaches a method of providing a voice dialogue in a telephone network (Fig. 1, Fig. 6), said method comprising:

initiating a telephone call (Fig. 1, 25 Subscriber Phone, Fig. 6, step 610, col. 21 lines 13-14);

routing said telephone call to a voice processor based upon a call control protocol (Fig. 1, 23 SCP, 24 SSP, Fig. 6, step 616, col. 21 lines 24-38, i.e., call control protocol SR-3511 is originally known as SR-2911); and

converting said call control protocol to a voice extensible markup language (Fig. 1, 40, Fig. 6, steps 618, 620, col. 21 lines 39-44).

Regarding claims 19 and 26, Crockett teaches a method, wherein said voice processor provides voice communications between a telephone user and a machine (Fig. 1, 25, 40, Fig. 6, steps 618, 620, 622, 624, col. 21 lines 39-57).

Regarding claims 20 and 27, Crockett teaches a method, wherein said routing process routes said telephone call (Fig. 1, 25) to a voice extensible markup language (Fig. 1, 42 VXML Interpreter) browser and said converting process is performed by a converter (Fig. 1, 40 VXML Platform) connected to said browser (Fig. 1, Fig. 6, steps 630, 632, col. 22 lines 40-64).

Regarding claim 22, Crockett teaches a method of providing a voice dialogue in a telephone network (Fig. 1, Fig. 7), said method comprising:

directing a telephone call to a switch (Fig. 1, 25 Subscriber Phone, 24 SSP, Fig. 7, step 710, col. 23 lines 62-63);

requesting, by said switch, routing instructions from a control point (Fig. 1, 24 SSP, 23 SCP, Fig. 7, steps 712, 714, col. 23 lines 63-67);



routing said telephone call to a voice Extensible Markup Language (XML) browser according to said routing instructions (Fig. 1, 40 VXML Platform, 42 VXML Interpreter, Fig. 7, step 716, col. 24 lines 1-3);

forwarding a request for voice instructions from said XML browser to a call control protocol to voice XML convener; convening said request for voice instructions to said call control protocol using said convener (Fig. 1, 40, 42, Fig. 7, step 716, col. 24 lines 4-9, i.e., call control protocol SR-3511 is originally known as SR-2911);

forwarding said request for voice instructions from said converter to said control point (Fig. 1, 40, 23, Fig. 7, steps 718, 720, col. 24 lines 10-15);

returning voice instructions from said control point to said converter (Fig. 1, 23, 40, Fig. 7, steps 722, 724, col. 24 lines 16-17);

converting said voice instructions from said call control protocol to said voice XML; returning voice instructions from said converter to said voice XML browser; and executing said voice instructions using said XML browser (Fig. 1, 40, Fig. 7 steps 726, 728, col. 24 lines 19-29).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2614

Dunn et al. (U.S. PAT 5,917,817) teach call routing via a plurality of networks includes PSTN and Internet.

Koch (U.S. PUB. 2004/0111269 A1) teaches a method and a system for routing incoming calls using Voice Extensible Markup Language (VXML).

Crockett et al. (U.S. PAT. 7,340,043) teach a method and a system for providing advanced intelligent network (AIN) telephony service in PSTN and a packet switched data network using VXML platform.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI N. NGUYEN whose telephone number is (571)270-3141. The examiner can normally be reached on Monday - Thursday 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. N. N./  
Examiner, Art Unit 2614

03/27/2008

/Ahmad F. MATAR/  
Supervisory Patent Examiner, Art Unit 2614